

REMARKS/ARGUMENTS

Request for Continued Examination:

The applicant respectfully requests continued examination of the above-indicated application as per 37 CFR 1.114.

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1. Claim Rejections of claims 1, 7, 11, 15, 16, 20, 21, 25, 27, and 30:

Claims 1, 7, 11, 15, 16, 20, 21, 25, 27, and 30 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lewis et al., US 2003/0097552 A1 (hereinafter "Lewis").

Response:

10 Claims 1, 8, 10, 11, 14, 16, 18, 19, 21, 25-27, and 31 have been amended to replace the term "downloaded" and its variants with the term "received" and its variants in order to clarify the claims. Support for this amendment is found throughout the specification, where the terms "downloaded" and "received" are used interchangeably.

15 In addition, each of the independent claims 1, 11, 16, 21, 25, and 27 has been amended to specify that the electronic device only receives the operational firmware and initialization data from the external host in a startup procedure. The claims also recite that the electronic device receives initialization data required for initializing the electronic device from the host, wherein the initialization data contains instructions
20 required to initialize the components of the electronic device before the microprocessor is able to execute the operational firmware. Support for the amendment stating that the electronic device receives the operational firmware and initialization data from the external host in a startup procedure is found in paragraphs 33-38 of the specification and in Figure 4, and no new matter is added.

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 The Examiner has said in the Response to Arguments on page 2 of the Office action dated 10/31/2008 the following regarding Lewis' boot PROM: *"since the routines of the boot PROM may be considered firmware, may be updated like the firmware, may contain elements used by the firmware, and may be on the same device as the firmware, that they*
30 *may certainly be updated the same as the firmware. That is, while Lewis may require*

initialization data at first be supplied from the “boot PROM” routines of the communication device, a firmware upgrade that includes updates to part of all of those boot PROM routines or data used by the firmware may be forwarded to and received by the device, those new instructions also required to initialize the device before execution of operational firmware, as recited.”

Applicant acknowledges that Examiner agrees that the PROM is in the communication device, and separate from the host. Since Lewis’ boot PROM is already located at the communication device when the device undergoes the startup procedure, Lewis does not teach the claimed feature of the electronic device receiving the operational firmware and the initialization data from the external host in a startup procedure.

Therefore, for the above reasons, the applicant respectfully submits that Lewis does not teach all of the limitations recited in the independent claims 1, 11, 16, 21, 25, and 27, and these claims are patentable over Lewis. Furthermore, claims 7, 15, 20, and 30 are dependent upon independent claims 1, 11, 16, and 27, and should be allowed if their respective base claims are found allowable. Reconsideration of claims 1, 7, 11, 15, 16, 20, 21, 25, 27, and 30 is respectfully requested.

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2. Claim Rejections of claims 1-2, 7-12, 14-16, 18-23, 25-28, and 30-35:

Claims 1-2, 7-12, 14-16, 18-23, 25-28, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu, US 6,170,043 B1 (hereinafter “Hu”) and Lewis.

Response:

25 The Examiner has stated on page 5 of the Office action dated 10/31/2008 that “Hu does not disclose initialization data received from the host. However, Lewis discloses..., and also receives initialization data (as cited above).” However, as pointed out above with respect to the 102(e) rejection of independent claims 1, 11, 16, 21, 25, and 27, Lewis does not teach or suggest the claimed feature of the electronic device receiving the operational firmware and the initialization data from the external host in a startup

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procedure. Therefore, the combination of Hu and Lewis also fails to teach this claimed feature.

Furthermore, claims 2, 7-10, 12, 14-15, 18-20, 22, 23, 26, 28, and 30-35 are
5 dependent upon independent claims 1, 11, 16, 21, 25 and 27, and should be allowed if their respective base claims are found allowable. Reconsideration of claims 1-2, 7-12, 14-16, 18-23, 25-28, and 30-35 is respectfully requested.

3. Claim Rejections of claims 3 and 4:

10 Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being obvious over Lewis, as applied to Claim 1 above, and further in view of Kamihara et al. (US PGPub # 2002/0169904), herein Kamihara.

Response:

Claims 3 and 4 are dependent upon claim 1, and should be allowed if claim 1 is
15 found allowable. Reconsideration of claims 3 and 4 is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

20 Sincerely yours,

/Winston Hsu/

Date: 01/21/2009

Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

25 Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)

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